APPENDIX A

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No. 97-2315EMSL

Albert Rimell,
Appellant,

v.

United States of America,
Appellee

Appeal from the United States District Court
for the Eastern District of Missouri

JUDGMENT

The court, having reviewed the record in this case, denies the certificate of appealability.

August 1, 1997

Order Entered at the Direction of the Court:

/s/ Michael E. Gans

Clerk, U.S. Court of Appeals, Eighth Circuit

APPENDIX B

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

No. 4:96CV1646-SNL

ALBERT RIMELL,
Petitioner,

vs.

UNITED STATES OF AMERICA,
Defendant.

ORDER

This matter is pending on the motion of petitioner requesting relief under 28 U.S.C. § 2255. The government has responded and petitioner has replied to the response.

After review of the entire file, the motion, the government's response, and the reply, the Court is convinced that petitioner is not entitled to the relief requested.

The Court finds that an evidentiary hearing would be of no value to petitioner or to the Court as the file and record of the case conclusively show that movant is not entitled to relief. *Wiley v. U.S.A.*, 95-1395, unpublished, filed February 12, 1996.

IT IS THEREFORE ORDERED that the motion request of Albert Rimell, pursuant to the provisions of § 2255, is DENIED.

Dated this 6th day of March, 1997.

/s/ Stephen N. Limbaugh
Stephen N. Limbaugh
UNITED STATES
DISTRICT JUDGE

APPENDIX C

Title 28 United States Code § 2255.

A prisoner in custody under sentence of a court established by Act of Congress claiming the right to be released upon the ground that the sentence was imposed in violation of the Constitution or laws of the United States, or that the court was without jurisdiction to impose such sentence, or that the sentence is otherwise subject to collateral attack, may move the court which imposed the sentence to vacate, set aside or correct the sentence.

A motion for such relief may be made at any time.

Unless the motion and the files and records of the case conclusively show that the prisoner is entitled to no relief, the court shall cause notice thereof to be served upon the United States attorney, grant a prompt hearing thereon, determine the issues and make findings of fact and conclusions of law with respect thereto. If the court finds that the judgment was rendered without jurisdiction, or that the sentence imposed was not authorized by law or otherwise open to collateral attack, or that there has been such a denial or infringement of the constitutional rights of the prisoner as to render the judgment vulnerable to collateral attack, the court shall vacate and set the judgment aside and shall discharge the prisoner or resentence him or grant a new trial or correct the sentence as may appear appropriate.

A court may entertain and determine such motion without requiring the production of the prisoner at the hearing.

The sentencing court shall not be required to entertain a second or successive motion for similar relief on behalf of the same prisoner.

An appeal may be taken to the court of appeals from the order entered on the motion as from a final judgment on application for a writ of habeas corpus.

An application for a writ of habeas corpus in behalf of a prisoner who is authorized to apply for relief by motion pursuant to this section, shall not be entertained if it appears that the applicant has failed to apply for relief, by motion, to the court which sentenced him, or that such court has denied him relief, unless it also appears that the remedy by motion is inadequate or ineffective to test the legality of his detention.

APPENDIX D

Rule 12.01. Attorney Admission.

(A) Roll of Attorneys.

The bar of this Court consists of those attorneys who have been granted admission upon satisfaction of the requirements for admission to practice before this Court prescribed by the rules in force at the time of their application for admission. Only attorneys enrolled pursuant to the rules of this Court or duly admitted pro hac vice may file pleadings, appear or practice in this Court, provided, however, that nothing in these rules is intended to prohibit any individual from appearing personally on his or her own behalf. An attorney admitted to practice in another federal district court or licensed by any state to practice law may appear and represent the United States or the State of Missouri, or any of their respective departments or agencies, without general admission to the bar of this Court. Admission to the bar of this Court is not required in order to file or appear in a miscellaneous case.

(B) Qualifications for Admission.

An attorney of good moral character who holds a license to practice law from, and who is a member in good standing of the bar of, the highest court of any state or the District of Columbia may apply for admission to the bar of this Court.

Rule 12.05. Law Student Practice.

A judge may authorize the participation of a law student certified under Missouri Supreme Court Rule 13 to assist in the preparation and presentation of a civil or criminal case. A request for such authorization must be accompanied by the party's written consent to the participation of the law student on the party's behalf. The law student shall be supervised by an attorney of record.